

EXHIBIT A

**TO THE DECLARATION OF ADA K. WONG IN SUPPORT
OF PLAINTIFF'S SECOND MOTION TO COMPEL
DISCOVERY RESPONSES**

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JILLIAN HORMAN, an individual,

Plaintiff,

V.

SUNBELT RENTALS, INC., a Washington State Entity; "DOE(S) 1-100", employees of SUNBELT RENTALS, INC.; and "CORPORATION(S) XYZ 1-100,"

Defendants.

Case No. 2:20-cv-00564-TSZ

**PLAINTIFF'S SECOND SET OF
REQUESTS FOR PRODUCTION TO
DEFENDANT SUNBELT RENTALS,
INC.**

TO: SUNBELT RENTALS, INC., Defendant

AND TO: SHANE P. CRAMER, PATRICIA J. HILL and YASH B. DAVE, Counsel for Defendant

SET NO.: TWO

Plaintiff Jillian Horman, in her individual capacity herein, hereby serves these Requests for Production upon Defendant Sunbelt Rentals, Inc.

THIS IS A REQUEST FOR PRODUCTION, PURSUANT TO FED. R. CIV. P. 34.

Please produce requested items for inspection and copying at the offices of Ada K. Wong, AKW Law, P.C., 6100 219th Street SW, Suite 480, Mountlake Terrace, WA 98043,

1 thirty (30) days from the date of service of this set of Interrogatories and Requests for
2 Production upon you.

3 Be advised that the Requests for Production herein apply to all information and items
4 within your knowledge or control, and that of your attorneys, agents, representatives and other
5 persons acting on your behalf. Answer each interrogatory as fully as possible within the time
6 limit, and furnish additional information when it becomes available.

7 If there are any additions, deletions or changes in the answers or information provided
8 at any time prior to trial, you are specifically directed to immediately so inform plaintiff's
9 counsel. If additional information is discovered between the time of making these answers and
10 the time of trial, these interrogatories are directed to that information. If such information is
11 not seasonably furnished within a reasonable time prior to trial, the undersigned will move at
12 or before trial to exclude from evidence any such information known to you or in your
13 possession or that of your attorneys, agents, liability insurers, and others acting on your behalf,
14 and will request other appropriate sanctions.

15 **DEFINITIONS**

16 As used herein:

17 1. ***Communication.*** The term "communication" means any oral or written
18 expression or exchange of information by speech, writing, or conduct including, but not limited
19 to, in-person conversations, telephone conversations, correspondence, email messages, text
20 messages, electronic instant messages, social media messages, and all other forms of
21 communication.

22 2. ***Document.*** The term "document" shall be used in its broadest sense as
23 permitted by Federal Rules of Civil Procedure 26 and 34 and means all writings of every kind

1 including, but not limited to, the original or any legible copy of all records, letters,
 2 correspondence, appointment books, diaries, files, notes, statements, memoranda or minutes
 3 of meetings, conferences and telephone calls, emails, faxes, receipts, written reports or
 4 opinions of investigators or experts, status reports, drawings, charts, photographs, negatives,
 5 brochures, lists, schedules, manuals, technical notes or standards, expense accounts, financial
 6 statements or audit reports, however produced or reproduced, within your possession or subject
 7 to your control, of which you have knowledge or to which you now have or previously had
 8 access. The term "document" includes drafts and copies that are not identical duplicates of the
 9 originals, and copies of documents, the originals of which are not in your possession, custody,
 10 or control.

11 3. ***Identity of Individuals.*** Where the name or identity of an individual person is
 12 requested, or where the term "identify" is used in reference to an individual person, please state
 13 with respect to each such person:

- 14 a. Full name;
- 15 b. Current or last known residence address, and telephone number;
- 16 c. Current or last known business address and telephone number;
- 17 d. All known email addresses;
- 18 e. Current position or occupation;
- 19 f. Employer;
- 20 g. His or her present whereabouts and his or her present employment
 position and business affiliation at the time in question; and,
- 22 h. Relationship to you.

23 Unless it otherwise appears from the context, a request for the identity of a person

1 relates to all persons in such classification or category.

2 4. ***Identity of Document.*** The term “identify,” when used in reference to a
3 document, means to state with respect to each document:

4 a. Title of document;
5 b. The date of preparation of the document;
6 c. The name and title of each author, sender, creator and initiator of such
7 document;

8 d. The name and title of recipient, addressee, or party for whom such
9 document was intended (if any);

10 e. The nature of the document (e.g., letter, memorandum, tape) and other
11 means of identification sufficient to identify the document for purposes of a request for
12 production, and to further state its present location and custodian;

13 f. Source from whom or from which you obtained the document;

14 g. Number of pages the document comprises;

15 h. Production number(s); and,

16 i. If any such document was, but no longer is, in your possession or
17 custody or subject to your control, describe what disposition was made of it, and give
18 the name, address and telephone number of the person presently having possession,
19 custody or control of the document.

20 5. ***Identity of Entity.*** The term “identify,” when used in reference to an entity
21 other than a natural person, means to state with respect to each such entity:

22 a. Full legal name or title;

23 b. Form of business (i.e. profit corporation, partnership);

- 1 c. Complete business location and mailing address;
- 2 d. Telephone and facsimile numbers;
- 3 e. State of incorporation or juridical organization;
- 4 f. Address of headquarters of principal place of business; and,
- 5 g. Relationship to you.

6 6. ***Knowledge or Information.*** Where your knowledge or information in your
7 possession is requested, that request includes knowledge of your agents, representatives,
8 employees and attorneys. When the answer is made by a corporate defendant, the name,
9 address and title of the person supplying the information and the source of such person's
10 information must be included as well.

11 7. ***Sources of Information.*** The phrase "state the source of your information"
12 means to identify the person and the documents from which the information was obtained
13 where your answers are not based upon your own first-hand information.

14 8. ***Person.*** "Person" means, without limitation, any natural person, proprietorship,
15 companies, firms, corporations, partnerships, limited liability companies, independent
16 contractors, groups, associations, joint ventures, associations, trusts, estates, communities,
17 agencies, institutions, labor unions, or any form of business, social or legal entity, including
18 governmental subdivisions.

19 9. ***You/Defendant.*** "You" means SUNBELT RENTALS, INC., located at 2341
20 Deerfield Dr, Fort Mill, South Carolina 29715-8298 at its 17950 Redmond Way, Redmond,
21 Washington 98052 location, and its attorneys, agents, employees, officers, representatives,
22 adjusters, investigators and all other persons who are in possession of or who have obtained
23 information on your behalf.

1 10. ***And/or.*** “And” or “or” means “and/or,” with the singular form being deemed
2 to include the plural and vice versa.

3 11. **“He”** or any other masculine, feminine or neuter pronoun means any individual,
4 regardless of sex or entity, to whom the interrogatory or request for production would
5 otherwise apply.

6 12. **“Relating to”** means to be relevant in any way to the subject matter in questions,
7 including without limitation all information that directly or indirectly contains, describes,
8 records summarizes, evaluates, refers to, is pertinent to, comments upon, or discusses the
9 subject matter or that states the background of, or was the basis for, or that records, evaluates,
10 was referred to, relied upon, used generated, transmitted, or receive din arriving at any
11 conclusion, opinion, estimate, position, decision, belief, or assertion concerning the subject
12 matter.

13 13. **“Any”** should be understood in either its most or least inclusive sense as
14 necessary to bring within the scope of the discovery request all responses that might otherwise
15 be construed to be outside of its scope.

16 14. **“Claim”** means a demand or assertion, whether oral or written, formal or
17 informal, by any person for monetary payment, the undertaking of action, or the cessation of
18 action.

19 15. **“Complaint”** or **“comment”** (e.g., about retaliation, harassment or
20 discrimination) means any statement, whether or not specifically denominated as a complaint
21 or comment, which could reasonably be considered or construed to be a comment or complaint
22 concerning harassment or discrimination based on any protected class or activity, including
23 but not limited to, a person’s race, color, national origin, sex, sexual orientation, religion,

1 disability, military service or status, taking designated medical leave, reporting regulatory or
2 safety violations, or any other harassment, discrimination or retaliation on any basis alleged
3 herein, including retaliation on any protected or illegal basis whatsoever.

4 16. “*Discrimination*” includes discrimination on any protected basis, and is not
5 limited to tangible or adverse employment actions, and shall also mean acts of harassment
6 whether or not such acts actually constitute a hostile working environment.

7 17. “*Personnel File*” means all records pertaining to a person’s employment,
8 including but not limited to those relating to duties, salary, promotions, evaluations, discipline,
9 grievances, benefits, discharge, resignation, suspensions, training, layoff or retirement, or any
10 other aspect of the person’s employment, whether or not maintained in a compilation or
11 collection referred to as a “personnel file.” It shall also include, not only the official “personnel
12 file” of any Defendant corporation or agency, but also all supervisor’s desk files and any other
13 documents or records containing such information. Each such separate portion of the
14 personnel file shall be produced in its entirety, including with folder tabs and labels, so that the
15 origin or source of said files and documents is preserved and can be identified.

16 18. All documents, including records, files, e-mails, correspondence, and
17 memorandum, stored electronically must be produced in its native format, including all
18 metadata.

19 19. The use of the singular form of any word includes the plural and vice versa. The
20 masculine includes the feminine and neuter genders. The past tense includes the present tense
21 where the clear meaning is not distorted by change of tense. “And” as well as “or” shall be
22 construed disjunctively or conjunctively as necessary to bring within the scope of the request
23 all responses that otherwise might be construed to be outside the scope. “Include” and

1 “including” and variations thereof shall not be interpreted in terms of limitations but shall be
2 deemed to be followed by the words “without limitation.” “Any” shall be construed as
3 synonymous with “every and “all” and shall be all-inclusive.

4 These discovery requests shall be deemed to be continuing, and, in the event that you
5 discover information that is responsive to these requests, you are to promptly supplement your
6 answers to these requests.

7 **INSTRUCTIONS**

8 1. **Relevant Time Period:** Unless otherwise noted, the relevant time period for
9 which documents and information are requested is **June 1, 2018 to present.**

10 2. **Scope:** This Request requests production of information and documents that are
11 in your possession, custody, or control, including documents in the possession of your
12 employees, agents, independent contractors, representatives, and attorneys, unless privileged.

13 3. **Objections:** If you object to the information requested by any request for
14 production in whole or in part, or contend that any identified document or information would
15 be excluded from production in discovery, state the reasons for such objections or ground for
16 exclusion, and identify each person having knowledge or the factual basis, if any, on which the
17 objection, privilege, or other ground is asserted.

18 4. **Privileged Documents:** If any document is withheld under claim of privilege,
19 identify the document and state the basis for the privilege, and provide a detailed privilege log
20 that contains at least the following information for each document that you have withheld: (a)
21 the name of each author, writer, sender, creator, or initiator of such document; (b) the name of
22 each recipient, addressee, or party for whom such document was intended or to whom it was
23 sent; (c) the date of such document, or an estimate thereof if no date appears on the document;

(d) the general subject matter of the document; and (e) the claimed grounds for withholding the document, including but not limited to the nature of any claimed privilege and grounds in support thereof.

5. Documents No Longer in Possession of Respondent/Destroyed Documents:

If any responsive document is no longer in your possession, custody or control, produce a description of each such document. The description shall include the following:

- a. Name of each author, sender, creator, and initiator of such document;

b. Name of each recipient, addressee, or party for whom such document was intended;

c. Date the document was created;

d. Date(s) the document was in use;

e. Detailed description of the content of the document;

f. Reason it is no longer in your possession, custody, or control; and,

g. Current location of the document.

6. **Duty to Supplement:** The Request imposes a continuing duty on you to produce promptly any responsive document, information, or item that comes into your knowledge, possession, custody, or control after your initial production of responses to the requests. You are also required to amend your responses if you discover a previous response was incorrect or incomplete.

DATED January 12, 2021.

AKW LAW, P.C.

/s/ Ada K. Wong
/s/ Jordan T. Wada

1 Ada K. Wong, WSBA #45936
2 Jordan T. Wada, WSBA #54937
3 Attorneys for Plaintiff
4 6100 219th St. SW, Suite 480
Mountlake Terrace, WA 98043
Tel.: (206) 259-1259
Fax: (855) 925-9529
E-mail: ada@akw-law.com
E-mail: jordan@akw-law.com

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1 **REQUESTS FOR PRODUCTION OF DOCUMENTS**

2 **REQUEST FOR PRODUCTION NO. 1:**

3 Please produce all of PLAINTIFF's Vehicle Dispatch Optimization System ("VDOS")
4 logs from June 1, 2018 to June 1, 2019. This request includes all documents showing all
5 adjustments and/or edits made to PLAINTIFF's VDOS logs by Defendant SUNBELT
6 RENTALS, INC.'s supervisors and/or managers.

7 **RESPONSE:**

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10 **REQUEST FOR PRODUCTION NO. 2:**

11 Please produce all documents that contain facts that in any way refer to, relate to,
12 support, or contradict the denial to Request for Admission No. 2 in Defendant SUNBELT
13 RENTALS, INC.'s Answers to Plaintiff's First Set of Requests for Admission to Defendant
14 Sunbelt Rentals, Inc.: "Admit or deny on or about April 24, 2019, Defendant SUNBELT
15 RENTALS, INC. terminated Plaintiff's employment."

16 **RESPONSE:**

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19 **REQUEST FOR PRODUCTION NO. 3:**

20 Please produce all documents that contain facts that in any way refer to, relate to,
21 support, or contradict the denial to Request for Admission No. 12 in Defendant SUNBELT
22 RENTALS, INC.'s Answers to Plaintiff's First Set of Requests for Admission to Defendant
23 Sunbelt Rentals, Inc.: "Admit or deny that after Defendant SUNBELT RENTALS, INC.

1 received Dr. Billett's March 27, 2019 letter, Brent Johnson told Plaintiff that if she did not
2 work overtime, she would be terminated."

3 **RESPONSE:**

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6 **REQUEST FOR PRODUCTION NO. 4:**

7 Please produce all documents that contain facts that in any way refer to, relate to,
8 support, or contradict the denial ("Except to admit that Plaintiff was placed on a leave of
9 absence") to Request for Admission No. 14 in Defendant SUNBELT RENTALS, INC.'s
10 Answers to Plaintiff's First Set of Requests for Admission to Defendant Sunbelt Rentals, Inc.:
11 "Admit or deny Defendant SUNBELT RENTALS, INC. unilaterally placed Plaintiff on a leave
12 of absence without her consent beginning on April 11, 2019."

13 **RESPONSE:**

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16 **REQUEST FOR PRODUCTION NO. 5:**

17 Please produce all documents that in any way refer to, relate to, support, or contradict
18 the denial to Request for Admission No. 16 in Defendant SUNBELT RENTALS, INC.'s
19 Answers to Plaintiff's First Set of Requests for Admission to Defendant Sunbelt Rentals, Inc.:
20 "Admit or deny that on or about April 17, 2019, Defendant SUNBELT RENTALS, INC.
21 Human Resources Generalist Mariana Stout told Plaintiff that the company was denying her
22 medical leave and that she was expected to report to work the next day."

23 **RESPONSE:**

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3 **REQUEST FOR PRODUCTION NO. 6:**

4 Please produce all documents that in any way refer to, relate to, support, or contradict
5 the denial to Request for Admission No. 18 in Defendant SUNBELT RENTALS, INC.'s
6 Answers to Plaintiff's First Set of Requests for Admission to Defendant Sunbelt Rentals, Inc.:
7 "Admit or deny that at no time did Plaintiff quit or resign her employment with Defendant
8 SUNBELT RENTALS, INC."

9 **RESPONSE:**

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12 **REQUEST FOR PRODUCTION NO. 7:**

13 Please produce all documents that in any way refer to, relate to, support, or contradict
14 the denial to Request for Admission No. 20 in Defendant SUNBELT RENTALS, INC.'s
15 Answers to Plaintiff's First Set of Requests for Admission to Defendant Sunbelt Rentals, Inc.:
16 "Admit or deny that at the time Defendant SUNBELT RENTALS INC. hired Plaintiff as a
17 Driver 1, it did not provide her with a written job description that stated that a Driver 1 was
18 required to work more than 8 hours per day."

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RESPONSE:

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22 **REQUEST FOR PRODUCTION NO. 8:**

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Please produce all documents that show the number of hours that Defendant SUNBELT

1 RENTALS, INC. scheduled PLAINTIFF to work, for the time period of June 1, 2018 through
2 June 1, 2019, including schedules, calendars, e-mails, text messages, “time blocks” and VDOS
3 logs.

4 **RESPONSE:**

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7 **REQUEST FOR PRODUCTION NO. 9:**

8 Please provide all communications (including but not limited to letters, e-mails,
9 memoranda, recordings, or other documents) between Defendant SUNBELT RENTALS, INC.
10 and Brent Johnson regarding, related to, and/or referring to PLAINTIFF’s complaints as
11 referenced in Request for Admission No.6 in Plaintiff’s First Set of Requests for Admission to
12 Defendant SUNBELT RENTALS, INC.: “In or around mid-February 2019, after PLAINTIFF
13 complained to Defendant SUNBELT RENTALS, INC.’s Human Resources department about
14 workplace harassment/hostile work environment, Defendant SUNBELT RENTALS, INC.’s
15 Human Resources department communicated the substance of Plaintiff’s complaint to Brent
16 Johnson.”

17 **RESPONSE:**

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20 **REQUEST FOR PRODUCTION NO. 10:**

21 Please provide all documents identifying regarding, and/or referring to the value of
22 Defendant SUNBELT RENTALS, INC.’s payments/monetary contributions to each fringe
23 benefit provided to Plaintiff during her employment (*e.g.*, employer-paid premiums, employer-

1 paid partial premiums and/or 401(k) matching contributions for PLAINTIFF's health, vision
2 and dental insurance, retirement plan, 401(k), disability insurance, etc.).

3 **RESPONSE:**

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6 **REQUEST FOR PRODUCTION NO. 11:**

7 Please provide any and all documents regarding, related to, and/or referring to the
8 values of all increases in salary and other benefits that PLAINTIFF would have received, as a
9 matter of course, if she had continued in Defendant SUNBELT RENTALS, INC.'s employ
10 until the end of the year 2048, giving the inclusive dates during which each was applicable.

11 **RESPONSE:**

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14 **REQUEST FOR PRODUCTION NO. 12:**

15 Please produce the general unedited version and/or template of the "no call no show
16 letter" referenced on Bates No. SB/Horman-DEF00283 that Defendant SUNBELT
17 RENTALS, INC. distributed to employees and/or former employees.

18 **RESPONSE:**

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21 **REQUEST FOR PRODUCTION NO. 13:**

22 Please produce all employment separation notices and/or separation agreements that
23 Defendant SUNBELT RENTALS, INC. has distributed to employees that reference severance

1 agreements, resignation, and working overtime hours and/or working over eight (8) hours per
2 day in the last five (5) years.

3 **RESPONSE:**

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6 **REQUEST FOR PRODUCTION NO. 14:**

7 Please produce all documents, including policies, procedures, manuals, guidelines,
8 bulletins, notes, memoranda, letters and emails, regarding or related to the presence of
9 employees' pets and/or service animals in the workplace or on Defendant SUNBELT
10 RENTALS, INC.'s property in the last five (5) years.

11 **RESPONSE:**

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14 **REQUEST FOR PRODUCTION NO. 15:**

15 Please produce the job description, including all duties and responsibilities, for all job
16 positions that Brent Johnson has held at Defendant SUNBELT RENTALS, INC.

17 **RESPONSE:**

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20 **REQUEST FOR PRODUCTION NO. 16:**

21 Please produce the job description, including all duties and responsibilities, for all job
22 positions has held Perry Cook at Defendant SUNBELT RENTALS, INC.

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1 **RESPONSE:**

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4 **REQUEST FOR PRODUCTION NO. 17:**

5 Please produce the job description, including all duties and responsibilities, for all job
6 positions has held Mariana Troy (formerly Stout) at Defendant SUNBELT RENTALS, INC.

7 **RESPONSE:**

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10 **REQUEST FOR PRODUCTION NO. 18:**

11 Please produce a copy of all documents (whether to a group of employees, a specific
12 department, or an individual) requesting and/or requiring any Defendant SUNBELT
13 RENTALS INC. non-exempt employee(s) to work more than eight (8) hours per day and/or
14 work overtime. This request is limited to the last five (5) years at Profit Centers for which Lee
15 Reed is currently the Territory Human Resources Manager.

16 **RESPONSE:**

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19 **REQUEST FOR PRODUCTION NO. 19:**

20 Please produce the and complete employment/personnel file, including offer letters, job
21 description/duties and responsibilities, reported “time blocks”, work schedules, performance
22 records, records of verbal warnings, written warnings, write-ups, discipline, termination,
23 investigations, and communication with third parties regarding unemployment benefits

1 (including Employment Security Division), for all employees in the same or similar position
2 as Plaintiff HORMAN (Driver) at Defendant SUNBELT RENTALS INC.'s Redmond
3 location between June 1, 2018 to present, including but not limited to the following employees:

- 4 a. Patrick Papineau
5 b. Oscar Martinez
6 c. David Sabin
7 d. Dave (last name unknown)

8 (To protect the confidentiality of any third parties and against any fear Defendant may have
9 regarding disclosure of these documents, Plaintiff agrees that these documents should be
marked "CONFIDENTIAL" pursuant to the parties' Stipulated Protective Order, Dkt. #19).

10 **RESPONSE:**

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12 **REQUEST FOR PRODUCTION NO. 20:**

13 Please produce a copy of all documents, notes, audio or video recordings,
14 correspondence, memoranda, e-mails, letters, files or other communications maintained by
15 Defendant SUNBELT RENTALS, INC.'s Human Resources department and/or personnel
16 regarding, referring to, and/or related to Lee Reed. This includes any discipline, warnings,
17 complaints, or investigations where she is the subject of the investigation; counseling records;
18 performance-related communication; separation of employment records, including dates of
19 employment; training records related to discrimination, retaliation, and accommodations; and
20 hiring records, including job descriptions, resumes, application, background checks, reference
21 checks. (To protect the confidentiality of any third parties and against any fear Defendant may
22 have regarding disclosure of these documents, Plaintiff agrees that these documents should be
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1 marked "CONFIDENTIAL" pursuant to the parties' Stipulated Protective Order, Dkt. #19).

2 **RESPONSE:**

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5 **REQUEST FOR PRODUCTION NO. 21:**

6 Please produce a copy of all documents, notes, audio or video recordings,
7 correspondence, memoranda, e-mails, letters, files or other communications maintained by
8 Defendant SUNBELT RENTALS, INC.'s Human Resources department and/or personnel
9 regarding, referring to, and/or related to Vicky Gibson. This includes any discipline, warnings,
10 complaints, or investigations where she is the subject of the investigation; counseling records;
11 performance-related communication; separation of employment records, including dates of
12 employment; training records related to discrimination, retaliation, and accommodations; and
13 hiring records, including job descriptions, resumes, application, background checks, reference
14 checks. (To protect the confidentiality of any third parties and against any fear Defendant may
15 have regarding disclosure of these documents, Plaintiff agrees that these documents should be
16 marked "CONFIDENTIAL" pursuant to the parties' Stipulated Protective Order, Dkt. #19).

17 **RESPONSE:**

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21 **REQUEST FOR PRODUCTION NO. 22:**

22 Please produce all documents identifying former employees of Defendant SUNBELT
23 RENTALS INC.'s whose employment from Defendant was terminated for the same or similar

1 reasons as Plaintiff HORMAN (alleged “job abandonment”) including documents showing the
2 dates of termination, reasons for termination, factors considered, the decision maker, and the
3 terminated employee’s performance history. This request is limited to the last five (5) years at
4 Profit Centers for which Lee Reed is currently the Territory Human Resources Manager.

5 **RESPONSE:**

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8 **REQUEST FOR PRODUCTION NO. 23:**

9 Please produce all documents containing requests for return of company property that
10 Defendant SUNBELT RENTALS INC. has made to former employees, including requests for
11 work keys and uniforms. This request is limited to the last five (5) years at Profit Centers for
12 which Lee Reed is currently the Territory Human Resources Manager.

13 **RESPONSE:**

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16 **REQUEST FOR PRODUCTION NO. 24:**

17 Please produce a copy of all records regarding or relating employees who took and/or
18 requested a leave of absence and who were separated from employment by Defendant
19 SUNBELT RENTALS INC. within 6 months of the initial leave request or during leave,
20 including documents showing the dates of separation, reasons for separation, factors
21 considered, the decision maker, and the separated employee’s performance history. This
22 request is limited to the last five (5) years at Profit Centers for which Lee Reed is currently the
23 Territory Human Resources Manager.

1 **RESPONSE:**

4 **REQUEST FOR PRODUCTION NO. 25:**

5 Please produce all written disciplinary actions and/or “Warning Forms” (*e,g,,*
6 documents sharing the template/format of SB/HORMAN-DEF00216) issued to employees
7 holding driver positions at Defendant SUNBELT RENTALS INC.’s Redmond location for
8 “failure to comply with safety rules and procedures,” for the last five (5) years.

9 **RESPONSE:**

12 **REQUEST FOR PRODUCTION NO. 26:**

13 Please produce all documents regarding an employee who was involved in an accident
14 while operating a Defendant SUNBELT RENTALS INC. vehicle or heavy equipment at
15 Defendant SUNBELT RENTALS INC.’s Redmond location for the last five (5) years, *whether*
16 *or not* a written disciplinary actions and/or “Warning Form” (*e,g,,* documents sharing the
17 template/format of SB/HORMAN-DEF00216) was issued for “failure to comply with safety
18 rules and procedures.”

19 **RESPONSE:**

22 **REQUEST FOR PRODUCTION NO. 27:**

23 Please produce the “Safety Rules” document referenced on SB/HORMAN-DEF00093

1 and SB/HORMAN-DEF00162, and the “Sunbelt’s Operations Procedure Manual” and
2 “Sunbelt Rentals Safety Manual” referenced on SB/HORMAN-DEF00010.

3 **RESPONSE:**

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6 **REQUEST FOR PRODUCTION NO. 28:**

7 Please produce the “Driver Letter of Responsibility” document referenced on
8 SB/HORMAN-DEF00093 and SB/HORMAN-DEF00163.

9 **RESPONSE:**

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12 **REQUEST FOR PRODUCTION NO. 29:**

13 Please produce all training materials and/or curriculum and videos related to “HR
14 Orientation for All Employees,” “HR Orientation for All Field Managers” and “HR Orientation
15 for Non-Managers” in effect in the last five (5) years. *See* SB/HORMAN-DEF00469,
16 SB/HORMAN-DEF00470, SB/HORMAN-DEF00474.

17 **RESPONSE:**

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20 **REQUEST FOR PRODUCTION NO. 30:**

21 Please produce the “401(k) Enrollment Notice” and the “Enrollment letter update
22 2015.pdf” documents referenced on SB/HORMAN-DEF00092 and SB/HORMAN-
23 DEF00161.

1 **RESPONSE:**

4 **REQUEST FOR PRODUCTION NO. 31:**

5 Please produce any and all documents identifying all employees who worked at
6 Defendant SUNBELT RENTALS INC.'s Redmond location between June 21, 2018 to April
7 26, 2019, including documents showing the department where each employee worked, position
8 titles, dates of employment, and gender (To protect the confidentiality of any third parties and
9 against any fear Defendant may have regarding disclosure of these documents, Plaintiff agrees
10 that each employee's name may be redacted to first and last initial).

11 **RESPONSE:**

14 **REQUEST FOR PRODUCTION NO. 32:**

15 Please produce all documents regarding, related to, and/or referring to PLAINTIFF's
16 requests for paid time off, sick days, vacation days, or other approved leave for the purpose of
17 attending doctor's appointments during her employment with Defendant SUNBELT
18 RENTALS INC.

19 **RESPONSE:**

22 **REQUEST FOR PRODUCTION NO. 33:**

23 Please produce all of Defendant SUNBELT RENTALS, INC.'s trainings, materials,

1 policies, procedures, guidelines, notes, memoranda, letters, and e-mails regarding, related to,
2 and/or referring to disciplinary processes for employees, including but not limited to when
3 certain disciplinary actions are taken, such as verbal warnings, written warnings, and
4 suspension, demotion, or termination of employment. *See* SB/Horman-DEF00214,
5 SB/Horman-DEF00216.

6 **RESPONSE:**

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9 **REQUEST FOR PRODUCTION NO. 34:**

10 Please produce all documents regarding the determination, discussion, and/or
11 investigation by “HDR and/or Legal” regarding PLAINTIFF’s complaint to Human Resources
12 in March 2019. *See* SB/Horman-DEF00123.

13 **RESPONSE:**

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16 **REQUEST FOR PRODUCTION NO. 35:**

17 Please produce all of Defendant SUNBELT RENTALS, INC.’s policies, handbooks,
18 trainings, materials, procedures, manuals, guidelines, bulletins, notes, memoranda, letters, and
19 e-mails regarding, related to, and/or referring to Human Resources personnel contacting the
20 personal physician of an employee to discuss the employee’s accommodation. This request is
21 limit to the last five (5) years.

22 **RESPONSE:**

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2 **REQUEST FOR PRODUCTION NO. 36:**

3 Please produce all communications, including e-mails, letters, facsimiles, recordings,
4 notes, or other documents between Defendant SUNBELT RENTALS, INC. (including but not
5 limited to employees Mariana Troy, Lee Reed, and Vicky Gibson) and Dr. Kurt Billett and/or
6 his staff at EvergreenHealth, that are related to PLAINTIFF.

7 **RESPONSE:**

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10 **REQUEST FOR PRODUCTION NO. 37:**

11 Please produce all documents maintained by Human Resources (excluding medical
12 records of third parties) in which Defendant SUNBELT RENTALS, INC. granted an employee
13 a disability accommodation related to working a reduced schedule or not working more than
14 eight (8) hours per day. This request is limited to the last five (5) years at Profit Centers for
15 which Lee Reed is currently the Territory Human Resources Manager. (To protect the
16 confidentiality of any third parties and against any fear Defendant may have regarding
17 disclosure of these documents, Plaintiff agrees that each employee's name may be redacted to
18 first and last initial).

19 **RESPONSE:**

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22 **REQUEST FOR PRODUCTION NO. 38:**

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Please produce a copy of all documents related to or referencing any allegations of hostile work environment on the basis of sex/gender reported by Defendant SUNBELT RENTALS, INC.'s employees, agents, independent contractors, staff, and/or personnel against another employee, agent, independent contractor, staff, and/or personnel over the last five (5) years at Profit Centers for which Lee Reed is currently the Territory Human Resources Manager.

RESPONSE:

REQUEST FOR PRODUCTION NO. 39:

Please produce all investigations, including conclusions, correspondence, memoranda, notes, text messages, audio and video recordings, findings, statements, interviews, etc., regarding complaints of hostile work environment on the basis of sex/gender; and retaliation for complaining about discrimination or harassment on the basis of sex/gender by employees, agents, and/or independent contractors of Defendant SUNBELT RENTALS, INC. for the last five (5) years at Profit Centers for which Lee Reed is currently the Territory Human Resources Manager.

RESPONSE:

DATED January 12, 2021.

AKW LAW, P.C.

1 */s/ Ada K. Wong* _____
2 */s/ Jordan T. Wada* _____
3 Ada K. Wong, WSBA #45936
4 Jordan T. Wada, WSBA #54937
5 Attorneys for Plaintiff
6 6100 219th St. SW, Suite 480
7 Mountlake Terrace, WA 98043
8 Tel.: (206) 259-1259
9 Fax: (855) 925-9529
10 E-mail: ada@akw-law.com
11 E-mail: jordan@akw-law.com

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ATTORNEY CERTIFICATION

The undersigned counsel for defendant hereby certifies Defendant's responses pursuant to Federal Rule of Civil Procedure 26(g).

Dated this _____ day of _____, 2020.

**Shane P. Cramer, WSBA #35099
Attorney for Defendant**

Patricia J. Hill, FL Bar #0091324
Yash B. Dave, FL Bar #0068573
Pro hac vice Counsel for Defendant

1 **DECLARATION OF RESPONDING PARTY**

2 I declare under the penalty of perjury under the laws of the State of Washington that
3 I am the Defendant in this action OR I am the _____ of
4 _____ and am authorized to make the foregoing answers. I
5 declare that I have read the foregoing answers, know the contents thereof, and believe them to
6 be true and correct.

7 Dated this _____ day of _____, 2020, at _____,
8 Washington.

9
10 Name _____

11
12 Its _____

13 Address: _____
14
15 _____

CERTIFICATE OF SERVICE

The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On January 12, 2021, I caused a copy of the foregoing to be served on the parties listed below in the manner specified below:

<p>Shane P. Cramer Harrigan Leyh Farmer & Thomsen LLP 999 Third Avenue, Suite 4400 Seattle, WA 98104 E-mail: shanec@harriganleyh.com <i>Attorneys for Defendant Sunbelt Rentals, Inc.</i></p>	<input type="checkbox"/>	VIA FACSIMILE
	<input type="checkbox"/>	VIA FIRST CLASS U.S. MAIL
	<input type="checkbox"/>	VIA MESSENGER/HAND DELIVERY
	<input checked="" type="checkbox"/>	VIA E-MAIL/E-FILE <i>Per 5/21/2020 Stipulation</i> <i>Regarding Electronic Service</i>
<p>Patricia J. Hill Yash B. Dave Smith, Gambrell & Russell, LLP 50 North Laura Street, Suite 2600 Jacksonville, FL 32202 E-mail: pjhill@sgrlaw.com E-mail: ydave@sgrlaw.com E-mail: cmarsh@sgrlaw.com <i>Pro hac vice Counsel for Defendant Sunbelt</i> <i>Rentals, Inc.</i></p>	<input type="checkbox"/>	VIA FACSIMILE
	<input type="checkbox"/>	VIA FIRST CLASS U.S. MAIL
	<input type="checkbox"/>	VIA MESSENGER/HAND DELIVERY
	<input checked="" type="checkbox"/>	VIA E-MAIL/E-FILE <i>Per 5/21/2020 Stipulation</i> <i>Regarding Electronic Service</i>

Dated January 12, 2021, at Mountlake Terrace, Washington.

/s/ Kaila A. Eckert
Kaila A. Eckert, Paralegal